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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/716,063	11/17/2003	Marcel P. Bruchez	5100-0703.01

20855
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APR 13 2004

ROBINS & PASTERNAK

CONFIRMATION NO. 4782

FORMALITIES LETTER



OC000000012303748

COPY

Date Mailed: 04/08/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
 CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
 DISCLOSURES**

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
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5100-0703.01
DOCKETED
 Seq. Listing
 6/8/04
 11/8/04 (LD)

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Attorney Docket No. 5100-0703.01

PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 4/27/04.

By: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of BRUCHEZ et al.

Serial No.: 10/716,063

Examiner: Unassigned

Confirmation No.: 4782

Art Unit: 1645

Filed: November 17, 2003

For: LOOP PROBE HYBRIDIZATION ASSAY FOR POLYNUCLEOTIDE ANALYSIS

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RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Sir:

This is in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed on April 8, 2004. Transmitted herewith are the following:

- ☒ [X] A copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures
- ☒ [X] A paper copy of the "Sequence Listing"
- ☒ [X] A copy of the "Sequence Listing" in computer readable form on a:
 - ☒ [X] 3 1/2" floppy disk

The content of the copy in computer readable form is identical to the content of the paper copy of the "Sequence Listing" and no new matter has been introduced.

In addition, undersigned respectfully request the following points be taken into consideration in regard to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures:

1) Undersigned was requested to use "Artificial Sequence" instead of "Artificial" as the description for numeric identifier <213>. However, "Artificial" is a defined entry from the "Organism" drop-down list in the PatentIn 3.2 software, which was used to generate the Sequence Listing previously submitted. Therefore, "Artificial" is an appropriate entry for numeric identifier <213>, and no correction is made in the Sequence Listing submitted herewith.

2) Since the organism is artificial, the "source of genetic material" should not be expected to be a valid entry under numeric identifier <223>, as requested in the Notice to Comply. Undersigned input the specific sequence information and/or name as defined in the Specification in the field of "Comment for artificial sequence/unknown organism" for each SEQ ID NO, which was displayed for the numeric identifier <223>, when the previously submitted Sequence Listing was generated by the PatentIn 3.2 software. No correction is made in the Sequence Listing submitted herewith.

3) In reference to SEQ ID NO 15 and SEQ ID NO 16, undersigned was requested to "explain which nucleotide represents allele A & B" in the Notice to Comply. The feature for these two sequences is that at the specific location, only C or G presents in allele A, while only T or A presents in allele B. This information was clearly indicated under the numeric identifiers <221>, <222> and <223> in the Sequence Listing previously submitted. Therefore, no further explanation is provided in the sequence listing submitted herewith.

4) When N and/or Xaa were used for SEQ ID NOs 1, 3, 5, 7, 15, 16, 21, a corresponding explanation was provided in the <220> to <223> fields of each sequence in the Sequence Listing previously submitted. No correction is made in the Sequence Listing submitted herewith.

5) As suggested in the Notice to Comply, the Sequence Listings submitted herewith and previously were checked by the Checker 4.2 program, and no errors were found.

The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, or credit any overpayment to Deposit Account No. 18-1648:

- ☒ Any national application filing fees under 37 CFR 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Date:

4/27/04

Respectfully submitted,

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By:



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RLR/yt